

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

**Consumer Protection and Safety Division**

**RESOLUTION TL-19035**

**December 4, 2003**

**RESOLUTION**

**RESOLUTION GRANTING VOLUNTARY SUSPENSION OF THE  
VESSEL COMMON CARRIER CERTIFICATE HELD BY SCX, INC.**

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**SUMMARY**

This resolution grants the request of SCX, Inc. (SCX) for voluntary suspension of its vessel common carrier (VCC) certificate for a period of up to two years.

**DISCUSSION**

SCX holds a certificate of public convenience and necessity (VCC-87) to operate as a vessel common carrier in scheduled service between San Diego and Oceanside and in non-scheduled service between San Diego, Oceanside, and Marina Del Rey. The certificate was granted by Decision 02-02-044, dated February 21, 2002.

The authorized scheduled service commenced in March 2003 as a demonstration project funded by the State of California through the Governor's Traffic Congestion Relief Program. The project was administered by the California Department of Transportation (Caltrans). The lead applicant for the project was the San Diego Unified Port District. The aim of the project was to determine if offshore ferries could contribute to the lessening of motor vehicle traffic from the heavily congested I-5 corridor between San Diego and Oceanside.

SCX terminated the scheduled service in August 2003 when Caltrans discontinued funding for the project because of the state's budget crisis. Approximately \$1.2 million of the original \$5 million grant remains unspent, but that money will not be funded for use to continue the demonstration ferry service for the full 12-month period originally contemplated.

SCX is pursuing alternative funding to continue operations in the future. In the meantime, it wishes to retain its VCC certificate in a suspended status for a period of up to two years. SCX wants to be in a position to quickly reestablish service if other funding becomes available.

Notice of filing of this request appeared in the Commission's Daily Calendar on October 21, 2003. No protest has been received. This is an uncontested matter in which the resolution grants the relief requested. Accordingly, pursuant to Public Utilities Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

### **FINDINGS**

1. SCX holds authority to operate as a VCC pursuant to a certificate of public convenience and necessity granted by Decision 02-02-044.
2. SCX commenced VCC operations in March 2003 between San Diego and Oceanside as part of a demonstration project funded by the State of California through Caltrans.
3. Service between San Diego and Oceanside was terminated in August 2003 when State funding of the project was discontinued.
4. SCX is pursuing other funding sources so that it may be able to reestablish service.
4. SCX requests that it be allowed to retain its VCC certificate in voluntarily suspension for a period of up two years so that it may quickly reestablish service should alternative funding become available.
5. The request is reasonable and should be granted.
6. The Commission's Consumer Protection and Safety Division (CPSD) should be authorized to reinstate certificate VCC-87 upon its receipt of a written request for reinstatement, evidence of liability insurance, a current tariff, and any other documents required of VCCs to maintain an active certificate.
7. CPSD should be directed to revoke certificate VCC-87 at the end of the two-year suspension period if SCX has not by that time met the requirements for reinstatement of the certificate.

**THEREFORE, IT IS ORDERED** that:

1. The request of SCX, Inc. (SCX) to place its certificate of public convenience and necessity to operate as a vessel common carrier (VCC) in voluntary suspension for a period of up to two years is granted.
2. The Consumer Protection and Safety Division (CPSD) is authorized to reinstate the suspended certificate upon its receipt of a written request for reinstatement from SCX, evidence of liability insurance protection as required by General Order (GO) 111-Series, a current tariff in accordance with GO 117-Series, and any other documents required of all VCCs to maintain a certificate in good standing.
3. If SCX fails to request and be granted reinstatement in accordance with Ordering Paragraph 2 within two years of the effective date of this resolution, CPSD shall revoke certificate VCC-87.

This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted by the Commission at its regularly scheduled meeting on December 4, 2003. The following Commissioners voted favorably thereon:

/s/ WILLIAM AHERN

WILLIAM AHERN  
Executive Director

MICHAEL R. PEEVEY  
President

CARL W. WOOD

GEOFFREY F. BROWN

SUSAN P. KENNEDY  
Commissioners

Commissioner Loretta M. Lynch, being  
necessarily absent, did not participate.